

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

TIMOTHY GRIFFITH,

Petitioner,

v.

FCI BUTNER WARDEN,

Respondent.

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No. 2:23-CV-00083-JRG-CRW

**MEMORANDUM OPINION**

The Court is in receipt of a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [Doc. 1] in which Petitioner, a prisoner housed in a Federal Correctional Center in Butner, North Carolina (“FCI Butner”), seeks relief under § 2241 regarding his sentence for a conviction in a proceeding before this Court, *United States v. Griffith*, 2:17-CR-116-JRG-MCLC-1 (E.D. Tenn., Sept. 7, 2018).

A writ of habeas corpus pursuant to § 2241 may be granted by “the district courts and any circuit judge within their respective jurisdictions.” 28 U.S.C. § 2241(a). Therefore, a § 2241 petition must be filed in the district having jurisdiction over the petitioner’s custodian. *See Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004). As this Court does not have jurisdiction over Petitioner’s custodian at FCI Butner, it lacks jurisdiction over Petitioner’s claim for relief under § 2241.

Instead, jurisdiction for this action lies in the United States District Court for the Eastern District of North Carolina. *See* 28 U.S.C. §§ 113(a). Accordingly, the Court finds that the interests of justice require that this action be transferred to that District. *See* 28 U.S.C. § 1631 (“Whenever a civil action is filed in a court . . . and that court finds that there is a want of jurisdiction, the court

shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed”).

Thus, the Clerk will be **DIRECTED** to transfer this action to the United States District Court for the Eastern District of North Carolina, and to close this Court’s file.

**AN APPROPRIATE JUDGMENT ORDER WILL ENTER.**

ENTER:

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s/J. RONNIE GREER  
UNITED STATES DISTRICT JUDGE